

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Michael Miskovski	Team: Squad #3	CCRB Case #: 201906032	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 07/05/2019 1:15 AM	Location of Incident: North-East corner of Marcy Avenue and Pulaski Street	Precinct: 79	18 Mo. SOL 1/5/2021	EO SOL 8/22/2021	
Date/Time CV Reported Wed, 07/10/2019 12:41 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 07/10/2019 12:41 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			079 PCT
2. POM Cory Paradine	15118	961996	079 PCT
3. An officer			079 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM James Lester	942	956839	079 PCT
2. POM Antonio Zorrilla	10893	961480	079 PCT
3. POM Jared Lambert	10566	960781	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A. POM Cory Paradine	Force: Police Officer Cory Paradine used physical force against § 87(2)(b)	
B. Officers	Force: Officers used physical force against § 87(2)(b)	
C. An officer	Discourtesy: Officers spoke discourteously to § 87(2)(b)	
D. An officer	Discourtesy: An officer spoke discourteously to individuals.	
§ 87(4-b), § 87(2)(g)		

## Case Summary

On July 10, 2019, § 87(2)(b) filed this complaint online with the CCRB.

On July 5, 2019, at approximately 1:00 AM, police officers from the 79<sup>th</sup> Precinct attempted to disperse a Fourth of July block party at the intersection of Marcy Avenue and Pulaski Street in Brooklyn, where § 87(2)(b) was an attendee. Police escorted his friend, whose identity § 87(2)(b) refused to provide, across Marcy Avenue, and a large group of officers stood between the two friends, trying to move the crowd down the street. § 87(2)(b) tried to reach his friend, but the officers did not allow him to cross. § 87(2)(b) tried to tell the officers that he wanted to speak with his friend, but they were pushing him back. Police Officer Cory Paradine of the 79<sup>th</sup> Precinct then pushed § 87(2)(b) backwards and followed with a punch to the right side of § 87(2)(b) face (**Allegation A: Force**, § 87(2)(g)). § 87(2)(b) fell backwards onto the ground as a large group of officers began to handcuff him. Several of the officers allegedly punched and kicked § 87(2)(b) as he was being handcuffed (**Allegation B: Force**, § 87(2)(g)). One unidentified officer shouted at § 87(2)(b) “Give me your fucking hands,” and another unidentified officer yelled to the crowd, “Move the fuck back,” (**Allegations C and D: Discourtesy**, § 87(2)(g)). Officers then escorted § 87(2)(b) to a police vehicle and took him back to the 79<sup>th</sup> Precinct stationhouse where he refused medical attention. § 87(2)(b) was arrested and charged with § 87(2)(b).

(18 Board Review). § 87(2)(g), § 87(4-b)

The investigation obtained BWC footage from PO Monica Chong, PO Antonio Zorrilla, PO Lynne Blas, PO Edwin Castillo, Sgt. Ryan O’Shea, PO Kyle Barnett, PO Nicholas Hom, PO Hinolito Inoa, PO Alexander Bido, and PO Alexandro Berrios, all of the 79<sup>th</sup> Precinct (**01-10 Board Review**). The investigation also obtained security video footage of the incident from First Stop Grocery at 643 Marcy Avenue in Brooklyn (**11 Board Review**).

## Findings and Recommendations

**Allegation (A) Force: Police Officer Cory Paradine used physical force against § 87(2)(b).**

It is undisputed that PO Paradine punched § 87(2)(b) in the face in the early hours of July 5, 2019 while clearing up a July 4<sup>th</sup> block party at the intersection of Marcy Avenue and Pulaski Street in Brooklyn.

In his statement to the CCRB, § 87(2)(b) explained that while the officers were clearing the street, his one friend, whose identity § 87(2)(b) refused to disclose, was arrested by officers (**12 Board Review**). § 87(2)(b) attempted to walk past the officers to speak with him. § 87(2)(b) was nervous because his friend had brought him to the block party where § 87(2)(b) did not know anyone else, and of his own admission, he was intoxicated from the 4<sup>th</sup> of July celebrations. As he tried to pass through the officers, he told them, “Yo, that’s my friend,” and denied saying it aggressively or ever shoving officers to make his way through them. § 87(2)(b) admitted that his knowledge of the events was hazy due to the intoxication. He remembered officers telling him to step back. He alleged that one male, dark-haired officer pushed him, while another, with blond hair, ran towards him and punched him in the right side of his jaw, causing him to stumble. After the punch, § 87(2)(b) alleged a large group of officers then arrested him and handcuffed him. He later refused medical attention while at the 79<sup>th</sup> Precinct

stationhouse. However, § 87(2)(b) sustained pain to his right forearm, left shoulder, rib cage, and a knot to his head. He did not see a private doctor for these injuries either.

In his interview with the CCRB, PO Paradine admitted he was the officer who pushed and punched § 87(2)(b) (**13 Board Review**). He stated that he only noticed § 87(2)(b) once he was trying to push past the officers. PO Paradine stated that the crowd on scene was violent, rowdy, and went from “0 to 100,” throwing bottles officers, and even hitting a lieutenant with one. PO Paradine believed that he and his fellow officers, standing shoulder to shoulder with approximately eight officers, needed to disperse the crowd quickly before the situation worsened. He could not recall the identities of any of these officers.

According to PO Paradine, § 87(2)(b) kept trying to push past the officers, but he did not know why (**13 Board Review**). PO Paradine noted that several officers, including himself had told § 87(2)(b) to back away, but he did not appear to hear them and had a determined look on his face. PO Paradine stated that § 87(2)(b) then put his hands on PO Paradine and made a pushing motion with his chest to try to pass through the officers. PO Paradine feared that § 87(2)(b) could try anything and could reach for any utility item on PO Paradine’s belt. PO Paradine believed this because § 87(2)(b) did not listen to all the officers telling him to move and instead kept moving in the opposite direction. Therefore, after a short period, PO Paradine shoved § 87(2)(b) and then punched him in the right side of the face. PO Paradine explained that he did not use his baton, taser, OC spray because he believed that the hand strike was the least amount of force possible to stop § 87(2)(b) from impeding the path of the officers. He clarified that he always meant to punch § 87(2)(b) and that he shoved § 87(2)(b) to make room for the punch, since PO Paradine was surrounded by officers. PO Paradine added that he had already attempted to keep § 87(2)(b) back with his own hands in a general motion of gesturing the public to move, but he did not individually attempt to push § 87(2)(b). After punching, § 87(2)(b), PO Paradine saw that § 87(2)(b) fell backwards. He did not see any other of § 87(2)(b) actions or those of the other officers because he decided that it was best to remove himself back into the crowd of officers and not assist with the arrest because he feared retaliation.

At some point later in the morning of July 5, 2019, PO Paradine’s sergeant directed him to prepare a Threat, Resistance and Injury Report (TRI) in regards to the force used (**13 Board Review**). PO Paradine did not meet with § 87(2)(b) to discuss any possible injuries, but instead met with the arresting officer, PO James Lester, to learn any pertinent information. TRI #§ 87(2)(b) completed by PO Paradine, notes that § 87(2)(b) pushed or shoved officers and that officers used a hand strike and a forcible takedown (**17 Board Review**).

§ 87(2)(g)

PO Paradine’s partner, Police Officer Jared Lambert, was also at the scene.

In his interview with the CCRB, PO Lambert stated that he stood about ten feet behind PO Paradine during the interaction with § 87(2)(b) (**14 Board Review**). He did not see the interaction well enough to describe it in full. However, PO Lambert saw PO Paradine push § 87(2)(b), causing § 87(2)(b) to back up and appear to enter a fighting stance, and PO Paradine then immediately punch him. PO Lambert also noted that the crowd was displeased with being dispersed, but did not physically resist. PO Lambert did not see anyone throwing bottles nor did he know of a lieutenant ever being hit with one.

§ 87(2)(g)

In his statement to the CCRB, PO Zorrilla stated that he could not remember the crowd being rowdy until § 87(2)(b) was being handcuffed (**15 Board Review**). PO Zorrilla also stated that while officers handcuffed § 87(2)(b) someone in the crowd threw a bottle at the officers.

BWC from PO Zorrilla, in IA#33, does not show the actual force used by PO Paradine, but at 00:45, A male in close proximity to the officers can be heard saying with slightly slurred speech, but not yelling, “What the fuck are y’all doing? That’s my friend, that affects me,” (**02 Board**

**Review**). At 00:51, PO Paradine punches § 87(2)(b) in the face, and § 87(2)(b) falls backwards. At 1:17, while unidentified officers handcuff § 87(2)(b) an officer is heard saying, “Who threw that shit? Who threw it?” The crowd starts to shout several statements at the officers; people can be heard saying, “That’s messed up,” “Don’t shoot! Hands up don’t shoot,” and many other indistinguishable phrases due to the noise level.

BWC from PO Nicholas Hom, in IA #38, shows that at 1:10, PO Hom addresses an unidentified officer (**07 Board Review**). “Who got who?” PO Hom asks the officer, who responds, “Paradino, got some dude, I can’t believe it.” PO Hom states, “No, I thought one of us got hit.” The unidentified officer says, “Oh no, they threw one of those plastic water bottles and hit a lieutenant.”

The other BWC footage available to the investigation does not show the crowd before the punch § 87(2)(g).

Security video footage obtained by the investigation, located in IA#12, shows the interaction but does not have sound (**11 Board Review**). From the second to the third minute of the video footage, specifically in the frame of the footage, the crowd of roughly a dozen civilians moves across Marcy Avenue as a crowd of approximately twenty officers walks with them. There is no fighting, and the crowd moves without incident. At 3:31, § 87(2)(b) can be seen as the individual in the white shorts with hands at his sides at the top right of the screen, trying to pass by the officers. At 3:34, an officer places their hands on § 87(2)(b) chest. At 3:47, § 87(2)(b) turns to his side to try to slip through the group of officers. At 3:48, PO Paradine shoves § 87(2)(b) backwards with two hands, causing him to stumble backwards. PO Paradine then pushes several officers aside, to make his way through them, and points at § 87(2)(b). PO Paradine then punches § 87(2)(b) in the face, causing him to fall backwards, out of the frame, as the group of officers rush towards § 87(2)(b). Since there is no sound, it is unclear what the crowd is saying, but several civilians hold up their cellphones while officers form a perimeter with their bodies to keep the civilians from approaching the area offscreen where § 87(2)(b) fell.

§ 87(2)(g)

Surveillance footage shows that § 87(2)(b) did not attempt to fight the officers nor did he reach for anything from PO Paradine. § 87(2)(g)

NYPD Patrol Guide Procedure 221-01 states that “force may be used when it is reasonable to ensure the safety of a member of service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or prevent escape from custody.” It establishes criteria to assess the use of force as follows: a. the nature and severity of the crime/circumstances; b. actions taken by the subject; c. duration of the action; d. immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders; e. whether the subject is actively resisting custody; f. whether the subject is attempting to evade arrest by flight; g. number of subjects in comparison to the number of MOS; h. size, age, and condition of the subject in comparison to the MOS; i. subject’s violent history, if known; j. presence of hostile crowd or agitators; k. subject apparently under the influence of a stimulant/narcotic which; would affect pain tolerance or increase the likelihood of violence (**16 Board Review**).

§ 87(2)(g)

§ 87(2)(g)

[REDACTED]

**Allegation (B) Force: Officers used physical force against § 87(2)(b)**

**Allegation (C) Discourtesy: An officer spoke discourteously to § 87(2)(b)**

**Allegation (D) Discourtesy: An officer spoke discourtesy to individuals.**

In his statement to the CCRB, § 87(2)(b) alleged that while he was being handcuffed by the officers, several of them kicked and punched him, but he could not see them because he was covering his face to protect it (**12 Board Review**). § 87(2)(g)

[REDACTED]

PO Zorrilla's BWC video, contained in IA#33, is the only video that depicts numerous officers handcuffing § 87(2)(b) from 00:52 to 01:15 (**02 Board Review**). Several officers reach for § 87(2)(b) who is on the ground because he had fallen from the punch, hold him down, and handcuff him. Officers can be heard saying, "Give me your fucking hands," "Move the fuck back," but it is unclear who exactly says these words (**02 Board Review**). The crowd yells at the officers but the sound is indistinguishable due to their distance from the camera and the amount of people yelling. The security footage does not capture the handcuffing because § 87(2)(b) falls out of the frame after PO Paradine punches him (**11 Board Review**).

PO Paradine, PO Zorrilla and PO Lambert all watched the BWC clip in their CCRB interviews and did not recognize any of the officers shown, noting that almost every officer from the precinct arrived at the location to assist with dispersing the crowd (**13-15 Board Review**).

§ 87(2)(g)

[REDACTED]

The Department Advocate's Office (DAO) case 2017-17276 found that officers are excused in using discourteous language during stressful and violent situations when attempting to gain compliance (**22 Board Review**).

§ 87(2)(g)

[REDACTED]

§ 87(4-b), § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

#### Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) [REDACTED] has been a party (**19 Board Review**).
- PO Paradine has been a member of service for three years and has been a subject in one other CCRB complaint and one allegation, which was exonerated.

#### Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- On March 18, 2020, a request for Notice of Claim was submitted to the NYC Office of the Comptroller and will be added to the case file upon receipt (**20 Board Review**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]

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Squad No.: 3

Investigator: Michael Miskovski      Inv. Michael Miskovski      07/16/2020  
Signature      Print Title & Name      Date

Squad Leader: Olga Golub      SL Olga Golub      07/17/2020  
Signature      Print Title & Name      Date

Reviewer: \_\_\_\_\_  
Signature      Print Title & Name      Date